

## **Answer**

### **of the Federal Government**

#### **to the Minor Interpellation tabled by the Members of the Bundestag Luise Amtsberg, Volker Beck, Marieluise Beck, further Members and the Alliance 90/The Greens parliamentary group**

**– Printed paper 18/9786 –**

### **Human rights situation in Montenegro**

#### Preliminary remarks of the questioners

On 20 July 2015, the deadline for transposing Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) expired. Article 37 (2) of this directive contains an obligation to regularly review the situation in third countries designated as “safe countries of origin” under national law. This is designed to ensure that the substantive stipulations of European Union law are met when designating “safe countries of origin”.

Under Annex I of the Directive, a country can only be designated a “safe country of origin” “where on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU (Qualification Directive), no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by (a) the relevant laws and regulations of the country and the manner in which they are applied; (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention; (c) respect for the *non-refoulement* principle in accordance with the Geneva Convention; (d) provision for a system of effective remedies against violations of those rights and freedoms.”

The Act Introducing Expedited Asylum Procedures of 20 October 2015 (Federal Law Gazette I 2015, p. 1722), which led to Albania, Kosovo and Montenegro being categorised as safe countries of origin in autumn 2015, for the first time places the obligation on the Federal Government to present a report every two years on whether the prerequisites for the designation of “safe countries of origin” continue to exist (Section 29a (2a) of the Asylum Act).

The Alliance 90/The Greens parliamentary group continues to believe the instrument of “safe countries of origin” is wrong. It limits procedural rights, legal protection possibilities and since the entry into force of the Act Introducing Expedited Asylum Procedures, also the social and economic rights of asylum seekers from these states. Against this backdrop, the parliamentary group tabling the Interpellation believes that continuous monitoring of the human rights situation in these countries is legally necessary and politically of extreme importance. This Interpellation aims to contribute to this.

1. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their race (cf. Article 10 (1) lit. a of the Qualification Directive), and how has this situation developed within the last year?

2. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their race (cf. Article 10 (1) lit. a of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

3. To the knowledge of the Federal Government, to what extent do people in Montenegro face legal, administrative, police or judicial measures on the grounds of their race (cf. Article 10 (1) lit. a of the Qualification Directive) which are discriminatory or applied in a discriminatory way, and how has this situation developed within the last year?

4. To the knowledge of the Federal Government, to what extent do people in Montenegro face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their race (cf. Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?

5. To the knowledge of the Federal Government, to what extent do people in Montenegro face denial of judicial protection on the grounds of their race (cf. Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?

6. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their race (cf. Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?

7. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their race (cf. Article 10 (1) lit. a of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

Questions 1 to 7 will be answered together.

Montenegro is a parliamentary democracy in which fundamental and human rights are enshrined in the Constitution. Structural repression or discrimination on the grounds of race does not take place. In some sections of the population prejudices against Roma, Balkan-Egyptians and Ashkali do continue to prevail, however. Please also refer to the answers to questions 45 to 46 on this.

8. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

9. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

10. To the knowledge of the Federal Government, to what extent do people in Montenegro face legal, administrative, police or judicial measures on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?

11. To the knowledge of the Federal Government, to what extent do people in Montenegro face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

12. To the knowledge of the Federal Government, to what extent do people in Montenegro face denial of judicial protection on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

13. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

14. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

Questions 8 to 14 will be answered together.

Religious freedom is guaranteed in Montenegro under Article 46 of the Constitution. The Federal Government is not aware of any structural persecution of or discrimination against religious communities, which include the Serbian Orthodox Church, the Montenegrin Orthodox Church, the Muslim community, the Catholic Church and a Jewish community. The dominant Serbian Orthodox Church has succeeded, however, in being the only one to profit from the restitution of Church property in the nineties at the expense of the re-emerged Montenegrin Orthodox Church.

15. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

16. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

17. To the knowledge of the Federal Government, to what extent do people in Montenegro face legal, administrative, police or judicial measures on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?

18. To the knowledge of the Federal Government, to what extent do people in Montenegro face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

19. To the knowledge of the Federal Government, to what extent do people in Montenegro face denial of judicial protection on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

20. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

21. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

Questions 15 to 21 will be answered together.

Montenegro is a country with a very multicultural character. The coexistence of the different ethnicities, especially compared to other countries in the region, is considered exemplary. Its Constitution, which was developed with international support, guarantees fundamental rights in line with international standards; there is no structural repression or discrimination on the grounds of nationality.

22. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed in the last year?

23. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

24. To the knowledge of the Federal Government, to what extent do people in Montenegro face legal, administrative, police or judicial measures on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?

25. To the knowledge of the Federal Government, to what extent do people in Montenegro face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

26. To the knowledge of the Federal Government, to what extent do people in Montenegro face denial of judicial protection on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

27. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

28. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

Questions 22 to 28 will be answered together.

There is no structural repression of or discrimination against people on the grounds of their membership of a particular social group in Montenegro. High unemployment, major income disparities and an average per-capita income of approximately EUR 490 per month do, however, mean that in practice the social participation of financially worse-off strata of the population is often limited.

29. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

30. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

31. To the knowledge of the Federal Government, to what extent do people in Montenegro face legal, administrative, police or judicial measures on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?

32. To the knowledge of the Federal Government, to what extent do people in Montenegro face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

33. To the knowledge of the Federal Government, to what extent do people in Montenegro face denial of judicial protection on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

34. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

35. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

Questions 29 to 35 will be answered together.

The Federal Government is not aware of any physical and verbal attacks against LGBTTI people by government or non-governmental actors. There is no structural repression and discrimination on the grounds of sexual orientation.

This notwithstanding, traditional values are still widespread in all sections of the population in Montenegro; this means in turn that the understanding in society for sexual minorities is not very pronounced. The metropolitan of the Serbian Orthodox Church in Montenegro, Amfilohije, also often makes pejorative remarks about sexual minorities in his sermons.

36. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

37. To the knowledge of the Federal Government, to what extent do people in Montenegro face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

38. To the knowledge of the Federal Government, to what extent do people in Montenegro face legal, administrative, police or judicial measures on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) which are discriminatory or applied in a discriminatory way, and how has this situation developed within the last year?

39. To the knowledge of the Federal Government, to what extent do people in Montenegro face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

40. To the knowledge of the Federal Government, to what extent do people in Montenegro face denial of judicial protection on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

41. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

42. To the knowledge of the Federal Government, to what extent do people in Montenegro face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

Questions 36 to 42 will be answered together.

The Federal Government is not aware of any physical or verbal attacks on people on the grounds of their political opinion in Montenegro. There is no structural repression or discrimination. Please also refer to the answer to questions 1 to 28.

43. Does the Federal Government consider the measures the Montenegrin authorities and, if applicable, international organisations may be taking to its knowledge to be sufficient to provide protection for those affected by human rights violations in Montenegro and to improve the human rights situation in Montenegro (please explain)?

The work of the relevant authorities (police, public prosecutor, courts) displays structural flaws both in civil proceedings and criminal proceedings. In the scope of its accession negotiations with the European Union, the government of Montenegro is called upon to develop significant improvements for the chapters on justice and home affairs. The latest country report by the European Commission on 9

November 2016 confirms that the government of Montenegro has made initial practical progress in the two said areas, but which needs to be built on further. The Federal Government shares this assessment.

44. What measures is the Federal Government taking to provide the victims of human rights violations in Montenegro with protection and to improve the human rights situation in Montenegro, and to what extent will it be continuing or expanding these measures in the future?

The Federal Government is promoting the reform of the justice system in Montenegro through regional and bilateral projects. The government of Montenegro submits an official request for bilateral project work on a regular basis and this is then continued accordingly.

45. To the knowledge of the Federal Government, to what extent do Roma, Balkan-Egyptians and Ashkali in Montenegro have access to the registration system and the possibility of being issued a passport or other identification documents, and how many Roma, Balkan-Egyptians and Ashkali living in Montenegro are nonetheless not registered in Montenegro to the knowledge of the Federal Government?

- a) To the knowledge of the Federal Government, are members of this group Montenegrin nationals or to what extent do they have the possibility of acquiring Montenegrin nationality, and what is the Federal Government's assessment of this situation from a human rights perspective?
- b) To the knowledge of the Federal Government, to what extent do the members of this group face violent attacks, and to what extent are the Montenegrin authorities willing and able to provide protection against such attacks? How many attacks has the Federal Government become aware of since 2011 (please break down by year)? In how many cases to the knowledge of the Federal Government did this lead to criminal proceedings and convictions (please break down by year)?
- c) To the knowledge of the Federal Government, to what extent do members of this group actually have access to healthcare for acute treatment needs and chronic suffering? To what extent is healthcare free of charge for the members of this group? To what extent is patient-doctor confidentiality upheld when providing healthcare to members of this group?
- d) How high is the life expectancy of members of this group and compared to the population as a whole to the knowledge of the Federal Government?
- e) How high is infant mortality among members of this group and compared to the population as a whole to the knowledge of the Federal Government?
- f) To what extent do the members of this group have access to adequate housing to the knowledge of the Federal Government? How high is the percentage of members of this group living in slums or slum-like housing to the knowledge of the Federal Government? How high is the percentage of members of this group living in state-subsidised housing to the knowledge of the Federal Government?
- g) To the knowledge of the Federal Government, to what extent do the members of this group actually have access to schools, universities and other education and training institutions, and to what extent are they obliged to attend school?
- h) How high is the percentage of the children belonging to this group who do not attend school in spite of compulsory schooling to the knowledge of the Federal Government?
- i) How high is the literacy rate among members of this group and compared to the population as a whole to the knowledge of the Federal Government?
- j) To what extent do members of this group actually have access to social benefits and services and state-subsidised or funded measures?

46. Is the Federal Government aware of the situation of the refugees from the wars in former Yugoslavia still living in Montenegro, and what is the Federal Government's assessment of their situation from a human rights perspective?

- a) To the knowledge of the Federal Government, how many people are currently living in Montenegro after having fled during the wars in former Yugoslavia from another autonomous republic of this country, or from another region which now belongs to the territory of another country?
- b) To the knowledge of the Federal Government, how many people who fled during the wars in former Yugoslavia from another autonomous republic of this country or from another region now belonging to the territory of another country have since left Montenegro and returned to their region of origin which is not or no longer part of Montenegrin territory since the end of the war in question (please break down by year and country)?
- c) To the knowledge of the Federal Government, how many of the people cited under lit. a currently have Montenegrin nationality?
- d) What residence status do the other members of this group have to the knowledge of the Federal Government (please list figures for each possible residence status)?
- e) To the knowledge of the Federal Government, how many internally displaced persons inside Montenegro are still at a different location than prior to the start of the wars, and what is the Federal Government's assessment of their situation?
- f) To the knowledge of the Federal Government, to what extent do members of the said group actually have access to the residents registration system and the possibility of being issued a passport or other identification documents, and what is the Federal Government's assessment of this situation from a human rights perspective?

- g) To the knowledge of the Federal Government, to what extent do members of the said group face violent attacks, and to what extent are the Montenegrin authorities willing and able to provide protection against such attacks? How many attacks has the Federal Government become aware of since 2011 (please break down by year)? In how many cases did this lead to criminal proceedings and convictions (please break down by year)?
- h) To the knowledge of the Federal Government, to what extent do members of this group actually have access to healthcare for acute treatment needs and chronic suffering? To what extent is healthcare free of charge for the members of this group to the knowledge of the Federal Government? To what extent is patient-doctor confidentiality upheld during the provision of healthcare to members of this group to the knowledge of the Federal Government?
- i) How high is the average life expectancy of members of this group compared to the population as a whole to the knowledge of the Federal Government?
- j) How high is infant mortality amongst members of this group compared to the population as a whole to the knowledge of the Federal Government?
- k) To what extent do members of this group have access to adequate housing to the knowledge of the Federal Government? How high is the percentage of the members of this group living in slums and slum-like housing to the knowledge of the Federal Government? How high is the percentage of members of this group living in state-subsidised housing to the knowledge of the Federal Government?
- l) To the knowledge of the Federal Government, to what extent do members of this group actually have access to schools, universities and other education and training institutions, and to what extent are they obliged to attend school?
- m) How high is the percentage of children of members of this group not attending school to the knowledge of the Federal Government in spite of being required to do so?
- n) How high is the literacy rate of members of this group compared to the population as a whole to the knowledge of the Federal Government?
- o) To what extent do members of this group actually have access in practice to social benefits and services and state-subsidised or funded measures to the knowledge of the Federal Government?

Questions 45 and 46 will be answered together.

According to the last census in 2011, there are 6 250 Roma (1.1 % of the total population) and 2,050 Balkan-Egyptians (0.33 %) living in Montenegro. There are currently 1,295 refugees and internally displaced persons from Kosovo living in Montenegro (as on 24 October 2016, source: Montenegro's refugee agency). A total of 3,169 refugees and internally displaced persons from Kosovo have returned to their home territory (as on 24 October 2016, source: Montenegro's refugee agency). The largest refugee group in number is from Bosnia and Herzegovina. The Federal Government does not know of any exact figures.

Refugees and internally displaced persons from the former Yugoslav republics and Kosovo as well as Roma and Balkan-Egyptians have the possibility of filing an application for their status to be clarified. By 1 October 2016 a total of 14,167 refugees and internally displaced persons from Bosnia and Herzegovina, Croatia and Kosovo had filed an application for permanent residence or temporary residence of up to three years. A total of 13 451 of these applications were accepted (98 %); 716 are currently still being examined. A total of 4,687 applications concern refugees and internally displaced persons from Bosnia and Herzegovina and Croatia, 4 604 of which were approved (98 %); 83 are currently still being examined (source: Montenegrin Ministry of the Interior).

Those applicants who receive a positive decision acquire the status of a foreigner with permanent residence or temporary residence on the basis of a decision by the government in July 2015 and are treated equally to Montenegrin nationals on the following points:

- right to work
- right to school and vocational education
- right to social insurance and child protection
- rights to health insurance
- right to retirement insurance.

The Federal Government has no statistical information on attacks against these ethnic groups. This year, (2016) a You Tube video was published showing two young men beating a young Roma. The offenders were apprehended and sentenced to prison terms of six and seven months.

There continues to be negative feeling in Montenegrin society towards Roma, Balkan-Egyptians and Ashkali, who have no representatives in parliament either at national or municipal level. Sections of the population are dismissive and harbour prejudices. Roma often live in makeshift camps on the town margins of the municipalities in precarious conditions. The number of the Roma children attending school has increased significantly in recent years to around 1,800 most recently (2015).

To improve the situation of the Roma, Balkan-Egyptians and Ashkali, the government of Montenegro has been endeavouring (since 2015) above all to achieve better integration on the labour market: through government aid for employers recruiting members of the three ethnic groups, for instance through exemptions from social security contributions and wage taxes. Roma are employed mainly in town cleaning and for seasonal labour (for instance viticulture).

47. How many public gatherings by or supporting lesbian, gay, bisexual, trans and intersexual people (LGBTI) have taken place in Montenegro since 2011 to the knowledge of the Federal Government and how many were banned or disbanded by the government authorities?

To date, three pride parades have taken place in the capital of Podgorica. After renewed clashes with the police in 2013 and 2014 by protesting citizens and rioting hooligans (in 2014 there was a far heavier police presence than the year before), in 2015 there were neither protests nor riots. The government was present at all three parades in the form of the Minister for Human and Minority Rights. The next pride parade in Podgorica will take place on 17 December 2016.

The pride parade planned in 2015 in Niksic was cancelled by the authorities for security reasons.

48. To the knowledge of the Federal Government, to what extent do members of this group face violent attacks and to what extent are the Montenegrin authorities willing and able to provide protection against such attacks?

a) How many attacks has the Federal Government become aware of since 2011 (please break down by year)?

b) In how many cases to the knowledge of the Federal Government did this lead to criminal proceedings and convictions (please break down by year)?

Questions 48 to 48b will be answered together.

There have been attacks in the past by private individuals. There are no statistics available, however, not even from the country's two LGBTTI non-governmental organisations.

There have repeatedly been physical and verbal attacks on people who are openly homosexual, for instance the case of Zdravko Cimbalevic, founder of the first LGBTTI non-governmental organisation. There were also attacks against LGBTTI people once the newly founded LGBTTI associations announced their intention to stage the first pride parade in Montenegro (cf. answer to question 47). The last physical attack known to the Federal Government took place in January 2016, when the head of one of the two LGBTTI non-governmental organisations was attacked.

49. What media publications dealing with LGBTI issues are publically available in Montenegro to the knowledge of the Federal Government?

In September 2015, the only magazine currently addressing LGBTTI issues was published. This is the Montenegrin edition of the Serbian magazine "Optimist". It is currently only available online; a print version was stopped for cost reasons.

50. To what extent is the Federal Government aware of measures or laws suited to stopping and/or designed to stop such media being produced or sold?

The Federal Government is not aware of any measures or laws prohibiting or limiting such media from being published or sold.



51. Is the Federal Government aware of any legislative proposals aiming to limit the rights of LGBTI people, and if so, what is its assessment thereof?

The Federal Government is not aware of any such proposals.

Same-sex marriages are not legally recognised in Montenegro. There are, however, plans for an Act legalising same-sex partnerships.

52. To the knowledge of the Federal Government, to what extent do LGBTI people actually have access to healthcare for acute treatment needs and chronic suffering? To what extent is healthcare for members of this group free of charge to the knowledge of the Federal Government? To what extent is patient-doctor confidentiality upheld in the provision of healthcare to members of this group to the knowledge of the Federal Government? To what extent do members of this group have access to adequate housing to the knowledge of the Federal Government?

There are no official restrictions on access to healthcare for LGBTTI people in Montenegro. The Federal Government is not aware of any cases where LGBTTI people were denied access in practice either.

53. How many attacks (intimidation, threats, violence) against journalists has the Federal Government become aware of since 2011 (please break down by year)? In how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

Number of attacks:

2011: seven

2012: three

2013: nine

2014: nine

2015: 19 (including six at the autumn protests in Podgorica)

2016: two.

Number of criminally prosecuted attacks:

2011: two

2012: three

2013: three

2014: seven

2015: four

2016: one

(source: non-governmental organisation Human Rights Action).

The most famous case was the murder of the owner of the most widely read daily newspaper Dan which is critical of the government, Dusko Jovanovic, in 2004. The case remains unsolved to this day.

In the latest "Reporters without Borders" report (2015) Montenegro ranks 106 (2013 and 2014: place 118) out of 180 in the world press freedom index.

54. What measures is the Federal Government aware of which restrict the freedom of the press in Montenegro, and what is the Federal Government's assessment of this situation?

There is no media censorship in Montenegro.

Since defamation was abolished as a criminal offence in 2011, suits of this kind against journalists and media publications have dropped significantly. Since late 2014, there has been a commission composed of journalists, representatives of non-governmental organisations and representatives of government authorities (police, public prosecutor, intelligence service) to investigate attacks against journalists and media. The chairman is the deputy editor-in-chief of the daily newspaper Dan, Nikola Markovic. In 2016, the parliament created a committee to oversee investigations into attacks on media and journalists. The committee is headed by two chairpersons, one representative each from the government and opposition.

55. How many attacks (intimidation, threats, violence) against opposition politicians has the Federal Government become aware of since 2011 (please break down by year)? In how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year)?

The Federal Government has no statistical data on attacks against opposition politicians in Montenegro.

In the past there have been isolated measures against members of parliament of the opposition alliance Democratic Front (DF). Tear gas was used against DF citizens' protests in October 2015, after which some politicians consulted doctors. The Federal Government has no further knowledge regarding the causes and sequence of events in the deployment of the tear gas. Since then, two DF MPs have been charged with incitement to violence against the constitutional order. Their immunity was temporarily lifted.

The DF MP Nebojsa Medojevic was physically attacked in 2014 by a lone attacker. The offender was given a five-month suspended sentence.

56. How many attacks (intimidation, threats, violence) against human rights activists has the Federal Government become aware of since 2011 (please break down by year)? In how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year)?

The Federal Government has no statistical data on attacks against human rights activists.

The last case that came to light was the slanderous, unprosecuted campaign against the head of the non-governmental organisation MANS (The Network for Affirmation of the NGO Sector), Vanja Calovic, by the tabloid "Informer" in 2014.

57. What cases is the Federal Government aware of in which people faced police or judicial measures as a result of their political work, and what is the Federal Government's assessment of this situation?

Please refer to the answer to question 55.

58. What is the Federal Government's assessment of the situation of Muslims in Montenegro?

59. What is the Federal Government's assessment of the situation of Christians in Montenegro who are not members of the Serbian Orthodox Church?

60. What is the Federal Government's assessment of the situation of Jews in Montenegro?

61. What is the Federal Government's assessment of the situation of members of other religious communities in Montenegro?

Questions 58 to 61 will be answered together.

Please refer to the answer to questions 8 to 14.